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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HUYNH, CONG LAC T	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/594,507	ELO ET AL.	
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE filed 5/13/05 to the application filed on 6/15/00.

2. Claims 5, 16-17 are canceled.

3. Claims 1-4, 6-15 are pending in the case. Claims 1, 8, 12, 15 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 7-8, 10-12, 14-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden et al. (US Pat No. 6,164,975, 12/26/00, filed 12/11/98) in view of Alexander (US Pat No. 6,732,331 B1, 5/4/04, filed 2/15/00).

Regarding independent claim 8, Weingarden discloses:

- creating a user profile, wherein the user profile is generated from a questionnaire answered by the user, the questionnaire comprising a plurality of questions, wherein an answer provided by the user to each question results in a designation of a series of weights to one or more of a plurality of learning modes, and wherein the weights are utilized to generate a plurality of normalized numeric learning mode ratings in the user profile, wherein a highest numeric learning mode rating in the user profile corresponds to an optimum mode of learning for the user profile (col 7, lines 10-41, 53-67: building a cognitive profile of a user based on the various learner records by the Learning System where the learner records are the summary of the user's preference optimized by the system shows creating said claimed user profile; col 7, lines 23-41: a user profile is created from the information gathered from the learners, actually the users, based on the *learner responses to the questions made by the learning system*; col 10, line 25 to col 11, line 47: computing the *vector of weights for a profile* based on a user's cognitive preferences where the "cognitive utility is increasing with respect to the cognitive preference relation" (col 11, lines 36-37) shows *a series of weights* to one or more of a plurality of learning modes via the cognitive

profile of a user, and wherein the weights being the numeric learning mode ratings are computed for a profile based on the information of the user profile, and where the highest numeric learning mode rating in the user profile corresponds to an optimum mode of learning for the user profile since the *user's cognitive preferences* indicates *what a user likes most* via the highest numeric entries in the profile)

- providing a web page to a user that matches the user's optimum mode of learning based upon the user's profile (col 7, lines 41-52: providing to a user the version of a web page that best matches the cognitive style of each user based on the user cognitive profile)

Weindgarden does not disclose:

- creating document templates displaying a structure of information to be presented using a syntax
- creating content in a language in accordance with the document template
- creating style sheets determining a presentation of each document template for each learning mode
- combining the content file with the style sheets to generate web files for each of the different modes of learning

Alexander discloses:

- creating document templates displaying a structure of information to be presented using a syntax (col 6, lines 24-56: the XML template and the stored Web template indicate that the document template is created using a syntax

where it was well known that a template displays a presented structure of information)

- creating content in a language in accordance with the document template (col 5, line 66 to col 6, line 15: the element builder creates the content for the web page in HTML or XML, where said languages must comply with the document template for populating content into the document template)
- creating style sheets determining a presentation of each document template for each learning mode (figure 4, col 6, lines 38-55: the *stored style sheets* 58 with the web templates indicates that the *style sheets are created* for determining a presentation of a document template; based on each user request for a web page which includes the user's preference of the web page, the style sheets should be selected that meet the user's request where *meeting a user's request by the system* is one of the modes of learning)
- combining the content file with the style sheets to generate web files (col 6, lines 23-56: the content data in the XML templates and XML documents and the stored style sheets are combined to generate web pages)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Alexander and Weingarden for the following reason. Alexander provides the template, the content, and the style sheets for generating a web page *based on the user request* providing the advantage to apply into Weingarden for generating web pages for each of the different modes of learning by providing web documents matching the user's optimum mode of learning based upon an identifier of

the user's profile. The request in Alexander clearly must include the user's preferences of the web page which is known as a part of the user's profile and learned by the system to provide a generated web page that meets the user request.

Regarding claim 10, which is dependent on claim 8, Weingarden discloses calculating a user profile as a vector of weights (col 10, line 25 to col 11, line 47: computing the vector of weights for a profile based on a user's cognitive preferences).

Regarding claim 11, which is dependent on claim 8, Weingarden discloses providing a user information defined by the style sheets and user profile in an HTML file based upon a HTTP cookie or URL string with an encoded profile identifier or user name (col 7, lines 41-52: using a cookie stored in a user computer to determine the version of the web page that best matches the cognitive style of the user where the cognitive style in the user profile controls the version of a HTML document).

Claims 1 and 7 are for a system of method claims 8 and 10, and are rejected under the same rationale.

Claims 12, 14 are for an article of manufacture of method claims 8, 10-11, and are rejected under the same rationale.

Regarding claims 2-4, which are dependent on claim 1, Weingarden discloses that the HTML files are created for content and correspond to the different modes of learning (col 7, lines 41-52: the versions of a HTML document are created and controlled by the cognitive styles in the user profile which corresponds to the different modes of learning). Weingarden does not disclose that the document template are created with the Document Type Definition (DTD) syntax, the style sheets are created using an Extensible Style Sheet Language (XSL), and the content is created using Extensible Mark-Up Language (XML).

Alexander discloses that the style sheets are created using an Extensible Style Sheet Language (XSL), and the content is created using Extensible Mark-Up Language (XML) (col 6, lines 38-56, col 11, lines 48-58). The storing of the XML template in the system (figure 4 and col 6, lines 38-56) implies that the template are created with the DTD syntax since the template codes should include the elements for a document as well as the tags used to recognize them based on the DTD syntax of HTML or XML.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Alexander into Weingarden to expand the employment of HTML and CSS to XML and XSL since in Alexander, a markup language can be used in XML and XSL which are the extensible markup form of HTML and CSS.

Regarding independent claim 15, Weingarden discloses:

- storing one or more user profile on a disk, wherein a profile for a user is generated from a questionnaire answered by the user, the questionnaire

comprising a plurality of questions, wherein an answer provided by the user to each question results in a designation of a series of weights to one or more of a plurality of learning modes and wherein the weights are utilized to generate a plurality of normalized numeric learning mode ratings wherein a highest numeric learning mode rating in the profile corresponds to an optimum mode of learning for the profile (col 7, lines 23-52: the cognitive profile of a user is stored locally as a cookie placed on the user computer, where a cookie is known as stored on a disk of the computer, and where the user profile is created from the information gathered from the learners, actually the users, based on the *learner responses to the questions made by the learning system*; col 10, line 25 to col 11, line 47: computing the *vector of weights for a profile* based on a user's cognitive preferences where the "cognitive utility is increasing with respect to the cognitive preference relation" (col 11, 36-37) shows a series of weights to one or more of a plurality of learning modes via the cognitive profile of a user, and wherein the weights being the numeric learning mode ratings are computed for a profile based on the information of the user profile, and where the highest numeric learning mode rating in the user profile corresponds to an optimum mode of learning for the user profile since the *user's cognitive preferences* indicates *what a user likes most* via the highest numeric entries in the profile)

- displaying a web page to a user based on the one or more web files and the optimum mode of learning in the user's profile (col 7, lines 41-52: providing to a user the version of a web page that best matches the cognitive style of each user

based on the cognitive profile where providing a web page to a user means displaying a web page to a user)

Weingarden does not disclose:

- creating a document template displaying a structure of information to be presented
- creating style sheets determining a presentation of each document template for each learning mode
- creating content in accordance with the document template
- generating one or more web files for each learning mode using the style sheets for each learning mode and the content

Alexander discloses:

- creating a document template displaying a structure of information to be presented (col 6, lines 24-56: the fact that the XML template and the stored Web template indicates that the document template is created, and it was well known that the template displays a presented structure of information)
- creating content in a language in accordance with the document template (col 5, line 66 to col 6, line 15: the element builder creates the content for the web page in HTML or XML, where said languages comply with the document template)
- creating style sheets determining a presentation of each document template for each learning mode (figure 4, col 6, lines 38-55: the *stored style sheets* 58 with the web templates indicates that the *style sheets are created* for determining a presentation of a document template; based on each user request for a web

page which includes the user's preference of the web page, the style sheets should be selected that meet the user's request where *meeting a user's request by the system* is one of the modes of learning)

- generating one or more web files for each learning mode using the style sheets for each learning mode and the content (figure 4, col 6, lines 38-55: generating a web page based on the stored template and style sheets upon the request from a user where the request implies the user's preference for the requested web page, thus *generating a web page that meets a user's request* is one of the modes of learning by the system)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Alexander into Weingarden since Alexander discloses creating a web page using web page templates upon a request from a user, where such a request implies a user's preference for the web page providing the advantage to apply that feature to the user profile in Weingarden for generating a web page based on both the template of Alexander and the modes of learning included in the profile of Weingarden.

Allowable Subject Matter

7. Claims 6, 9, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 5/13/05 have been considered but not persuasive.

Applicants argue that the combination of Weingarden and Alexander does not disclose the claimed limitations as amended (Remarks, page 6).

Examiner respectfully disagrees.

Weingarden and Alexander still disclose the amended limitations as above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maruyama et al. (US Pat No. 6,067,536, 5/23/00, filed 5/29/97).

Rodcheffer et al. (US Pat No. 6,721,275 B1, 4/13/04, filed 2/1/00).

Iliff (US Pat No. 6,817,980 B2, 11/16/04, filed 5/27/03, priority 2/14/00).

Cosentino et al. (US Pat No. 6,755,783 B2, 6/29/04, filed 9/7/01, priority 4/16/99).

Copperman et al. (US Pat No. 6,711,585 B1, 3/23/04, filed 6/15/00, priority 6/15/99).

Bushy et al. (US Pat No. 6,389,400 B1, 5/14/02, filed 5/3/99, priority 8/20/98).

Myaeng et al., Towards an Intelligent and Personalized Retrieval System, ACM December 1986, pages 121-129.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Examiner
Art Unit 2178
06/02/05